

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Hearings by Commissioners appointed by the Waikato
District Council regarding submissions and further
submissions to the Proposed Waikato District Plan –
Hearing 7 – Industrial Zone and Heavy Industrial Zone

STATEMENT OF EVIDENCE BY NICOLA MARIE WILLIAMS

9 DECEMBER 2019
FOR TUAKAU PROTEINS LIMITED SUBMITTER #402

Evidence Summary

1. Tuakau Proteins Limited owns and operates the rendering plant in Lapwood Road, Tuakau, which has been in operation since the 1970s under various previous owners.
2. The company is a significant employer in the district and provides an essential industry associated with the primary sector for the district and wider region.
3. Tuakau Proteins Limited has lodged a range of submissions and further submissions to the objectives, policies and rules of the Proposed District Plan.
4. In summary, the key points addressed in my evidence are in relation to the submissions and further submissions on:
 - The definition of Industrial activity;
 - Reverse sensitivity effects;
 - Section 4.6 Objectives and Policies – Industrial zone; and
 - Rule 20.2.3 Noise.
5. I generally agree with the Hearing 3, 5 & 7 Hearing s24a report recommendations in relation to the TPL submission and further submission points but consider that it is important for the Proposed District Plan to ensure that essential industrial activities such as the TPL's rendering plant are able to develop and expand so that it is able to operate efficiently and continue to provide a much needed supporting industry to the district's primary sector.

1. Introduction

- 1.1 My full name is Nicola Marie Williams and I am an Associate with Mitchell Daysh Limited. Mitchell Daysh Limited is a specialist environmental consulting practice with offices in Auckland, Hamilton, Napier, Nelson and Dunedin.
- 1.2 I hold a Bachelor of Regional Planning from Massey University (1988) and I am a member of the New Zealand Planning Institute and the Resource Management Law Association. I have worked as a consultant and in local government and I have had approximately 30 years of experience as a resource management adviser including 20 years' local government experience including plan preparation, policy planning work and resource consents.
- 1.3 Prior to joining Mitchell Daysh Limited I was the Manager Research, Policy and Planning with Kāpiti Coast District Council and I had the primary responsibility for overseeing the Appeals version of the Proposed District Plan and the mediation process with appellants leading to three variations to the Proposed District Plan:
- Variation 2: Waikanae Beach & Beach Character Setback;
 - Variation 3: County Road, Otaki Low Density Precinct; and
 - Variation 4 (A-H) Miscellaneous Changes and Corrections.
- 1.4 I was also previously the Principal Planner with Thames Coromandel District Council responsible for the resource consent team and involved as a member of planning project teams in a range policy planning projects including:
- Peer review of the Thames Coromandel Draft District Plan;
 - Plan Change 21 Whitianga Town Centre;
 - Whitianga Waterways Structure Plan; and
 - Variation 2 – Whitianga Airfield
- 1.5 I am a certified Commissioner under the Ministry for the Environment “Making Good Decisions” programme.
- 1.6 Mitchell Daysh Limited has been engaged by Tuakau Proteins Limited for several years as their statutory planning consultants to advise them on a range of matters associated with their site at Tuakau. Mitchell Daysh Limited also provides

planning services for Tuakau Proteins Limited partner companies in Taranaki and Hawkes Bay in relation to District Plan and resource consent matters. My evidence is presented as part of that engagement.

2. Code of Conduct

2.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. Scope of Evidence

3.1 My evidence discusses the Tuakau Proteins Limited (TPL) submissions (submitter #403) and further submissions on the Proposed Waikato District Plan (PDP) with respect to the matters addressed in the S42A reports and attachments for:

- a) Hearing 3 Strategic Objectives and attachments prepared Alan Matheson dated 30.09.19;
- b) Hearing 5 Definitions and attachments prepared by Anita Copperstone and Megan Yardley dated 5 November 2019; and
- c) Hearing 7 Industrial Zone & Heavy Industrial Zone Reports A, B, C and D and attachments prepared by Jane Macartney dated November 2019.

4. Tuakau Proteins Limited Background and Submissions

4.1 Tuakau Proteins Limited owns and operates the rendering plant in Lapwood Road, Tuakau which has operated at the site since the 1970s under various predecessors. The plant currently employs 33 people and operates 24 hours a day, seven days a week.

4.2 The plant services an area from Kerikeri in the north to Taupo in the south, receiving and rendering protein-based material from a range of primary industry sources such as meat and poultry processors, farmers, butchers and

supermarkets. The rendering process is an essential function of these primary industries, and these industries could not function effectively at scale without it.

- 4.3 The low temperature rendering process used by the plant essentially recycles material that would otherwise require disposal as a waste product into stable, value added products including tallow, meat, bone and blood meal. Almost all the site's products are exported, generating valuable export earnings. The operation therefore provides significant social and economic benefits to the communities of Tuakau and the wider area of the district and, more generally, the upper North Island.
- 4.4 Furthermore, the operation supports the district and region's waste minimisation strategy, by helping to avoid the deposition of meat processing by-products into landfills, and other less environmentally friendly disposal methods. The issue of waste minimisation is a significant issue for the district and all of New Zealand, particularly in light of the effects of climate change on future generations.
- 4.5 Due to consolidation of the rendering industry, the TPL plant is facing increasing demand for services and is in the process of site and operation improvements that will allow it to efficiently process a greater volume of material, in species-specific processing lines.
- 4.6 The submissions made by Tuakau Proteins Ltd fall into the following broad categories:
- The definition of industrial activity;
 - Ensuring that reverse sensitivity effects on the TPL site and operations are avoided;
 - Ensuring that the operation of this existing industrial activity that provides an essential industrial service associated with the primary sector is recognised and provided for in the Waikato District Plan for both the existing facility and anticipated future growth of the business; and
 - Ensuring the rules relating to noise enable the TPL site to operate in the most efficient and effective way.
- 4.7 I have read the s42a Reports and attachments relevant to Hearings 3, 5 and 7. I do not propose to repeat the matters addressed in those reports other than to

discuss particular points relevant to TPL and focus on the aspects addressed in the TPL submissions and further submissions.

5. Definition of Industrial Activity

5.1 The s42a Report for Hearing 5 recommended (at paragraph 692, page 181) that the National Planning Standards Definition of “industrial activity” be included in the PDP along with the inclusion of “ancillary activity” and suggested that the submission point be further considered and addressed in the Industrial zone hearing.

5.2 The s42a Report for Hearing 7 (paragraph 212-127) states the following in relation to TPL’s submission which specifically requested an amendment to the definition of “industrial activity” included in the PDP to clearly capture the processing of raw materials undertaken at the rendering plant.

214. However, it is my view that Tuakau Proteins’ operation does fit the PWDP’s definition of ‘industrial activity’, in that it involves the bulk production (including the manufacture) of materials or products. The term ‘manufacture’ is not defined in the PWDP, although with the default to the Oxford Dictionary (3rd edition), this means ‘the business or industry of producing goods in large quantities in factories’, etc.

215. It is also my view that Tuakau Proteins’ operation fits the following definition of ‘industrial activity’ in the National Planning Standards:

Industrial activity means an activity that manufactures, fabricates, processes, packages, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes ancillary activity to the industrial activity.

216. Therefore, given that the operation fits within the definition of industrial activity (and industrial activity is a permitted activity in the Industrial Zone), I consider no amendments are necessary.

5.3 It is my opinion that the TPL activity does not clearly fit within the existing definition included in the PDP and that was the reason for the submission on this point. The National Planning Standard definition of “industrial activity” proposed in s42a report of Hearing 5 and set out above more clearly provides for a broader

range of industrial activities and clearly incorporates the TPL activity of processing raw materials. I therefore consider that the recommendation of s42a report from Hearing 5 at paragraph 696 (page 181) to delete the definition of “industrial activity” and include the National Planning standard definition of “industrial activity” and “ancillary activity” in the PDP is appropriate and that the recommendation included in the s42a report Part B Industrial Zone Rules Hearing 7 at paragraph 20.3.4 (page 31) be amended to correctly reflect the recommendation of the earlier staff recommendation included in the s42a Report Hearing 5 Definitions at paragraph 692 & 693 on page 181 which states:

3.44.4 Recommendations

692. I recommend that the definition of ‘industrial activity’ is replaced with the corresponding Planning Standards definition.

693. I recommend that the submissions from Tuakau Proteins Limited [402.10] and Synlait Milk Ltd [581.20] are accepted in part, in that the Planning Standards definition is proposed for adoption, which would encompass such activities.

6. Reverse Sensitivity Effects

6.1 TPL’s submission point on Policy 4.1.10 Tuakau (#402.3) and further submission #1353.2 (WRC submission) supporting amendments to Policy 4.7.11 Reverse sensitivity were intended to highlight that there is a significant difference between industrial activities that occur on the TPL site and the existing adjoining rural environment and the potential future residential activities on the adjoining rural area and nearby Tuakau are sensitive land uses. The s42a report Hearing 3 (at paragraph 173) dismissed the submission of TPL stating:

“Submission 402.3 (Tuakau Proteins Limited) seeks recognition of reverse sensitivity effects. However, I consider this is unnecessary as their site is a considerable distance from the urban area of Tuakau.”

6.2 It is my view that it is not just the urban area of Tuakau that is relevant for consideration but what can happen in terms of development in the area adjoining TPL’s plant. Objective 4.1.2 Urban Growth and development promotes future settlement patterns around existing towns and villages and Tuakau is identified

as a growth node. Policy 4.1.10 is important in that its focus is to protect existing industrial activities such as TPL’s site from the effects of reverse sensitivity.

6.3 I consider that the issue of reverse sensitivity is a matter for consideration not just in relation to TPL’s site but more broadly across the district. As the towns across the Waikato district grow and develop during the life of the District Plan, it is important to ensure that essential industries such as TPL’s rendering plant are also able to grow and develop. I consider that it is important for the strong policy protection for existing industrial activities. Within the life of the operative District Plan there has been a significant change and growth to towns within the Waikato district e.g. Pokeno. The recently released “Waikato 2070” identifies that the district has experienced 3% population growth year-on-year over the past decade. One of the key four focus areas identified in the Draft Growth and Economic Development Strategy is “build our businesses” and includes the following direction and implementation proposal for the district.

BUILD OUR BUSINESSES

DIRECTION	IMPLEMENTATION
Support existing businesses to grow and attract new businesses to the district.	<ol style="list-style-type: none"> 1. Build on existing industrial clusters and promote the clustering of complementary businesses. 2. Identify and develop new strategically located industrial clusters for secondary industries. 3. Create ease of access pathways and incentives for investors to locate in the district. 4. Strengthen collaboration and engagement with businesses. 5. Identify new areas for service industries to locate and expand. 6. Support primary industries which underpin the Waikato economy. 7. Ensure businesses have access to social and physical infrastructure and services. 8. Create regional and local skills training development for our people (build people capital).

<p>Help deliver inclusive growth.</p>	<ol style="list-style-type: none"> 1. Lead, support and co-ordinate initiatives focused on growing economic development activities for businesses within the district. 2. Adapt and respond promptly to changing business needs. 3. Link central and regional government initiatives to businesses. 4. Create economic and social opportunities that ensure our young people have access to employment and social activities that build a future in the district. 5. Grow and develop the social and economic potential of social enterprise. 6. Facilitate stronger community and business partnerships. 7. Promote the development of a diversified economy and increase employment opportunities in knowledge-based sectors.
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6.4 In addition, the “Waikato 2070” also includes significant areas of residential growth within Tuakau and it is important to ensure that primary industries such as TPL that underpin the Waikato economy, have opportunities to grow and develop to ensure the continued prosperity of the primary sector.

6.5 The S42a Hearing 3 Report does recommend a number of changes to Policy 4.7.11 to better reflect this issue as follows:

The following amendment is recommended as shown in Appendix 4 - Chapter 4: Urban Environment:

4.7.11 Policy – Reverse Sensitivity

(a) Development and subdivision design (including use of topographical and other methods) minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and

(b) Avoid potential reverse sensitivity effects of locating new dwellings sensitive land uses in the vicinity of an intensive farming, extraction industry or industrial activity and strategic infrastructure. Minimise the potential for reverse sensitivity effects where avoidance is not practicable.

6.6 I note however that this recommended change from the Hearing 3 S42a report has not been included in the tracked change version of the Hearing 7 S42a report Attachment 2 – Chapter4: Urban Environments (page 29). I consider that it is important for the full tracked version of Chapter 4 to be included with the updated S42a report to assist submitters with understanding the full extent of the changes recommended. I understand that the s42a Hearing reports have been prepared on a topic by topic basis but for a number of submitters their interests overlap a number of topics particularly in relation to matters such as reverse sensitivity and providing a full tracked version of the Chapter would be helpful.

7. General Section 4.6 Objectives and Policies – Industrial Zone

7.1 TPL was a further submitter to the submissions of EnviroWaste New Zealand Limited (#302.33, 34) and Buckland Marine Limited (#465.10) in relation to Policy 4.6.2, Policy 4.6.3 and Policy 4.6.7. The further submission point of TPL was missed from Policy 4.6.3 which was in support of EnviroWaste New Zealand Limited and the retention of the policy relating to maintaining a sufficient supply of industrial land. I consider that this policy is important, and this is reflected in the recent Draft Growth and Economic Development Strategy “Waikato 2070” which promotes the retention and development of industrial activities across the district. As noted above, the district is subject to significant population growth and it is necessary to ensure that existing industrial activities have the opportunity to expand and develop and do not become constrained by changing land use patterns in the vicinity of their sites in the future.

7.2 I support the comment of the s42a Report Part B at paragraph 233 (page 29) where the report writer states:

“In my view, it is important to retain industrial land for industrial activities unless there is a compelling reason not to.”

- 7.3 TPL was a further submitter #81.140 (Waikato Regional Council) in relation to Policy 4.6.4 Maintain industrial land for industrial purposes and this policy further reflects the points outlined above.
- 7.4 TPL was also a further submitter to #465.7 (Buckland Marine Limited) which sought to amend Policy 4.6.7 Management of adverse effects within industrial zones which states:
- (a) Manage adverse effects including visual impact from buildings, parking, loading spaces and outdoor storage, lighting, noise, odour and traffic by managing the location of industrial uses, bulk and form of buildings, landscaping and screening at the interface with roads and environmentally sensitive areas.*
- 7.5 By replacing the words “*at the interface with roads and environmentally sensitive areas*” with the words “*where appropriate*”, the S42a Hearing 7 report (paragraph 152 page 44) rejects the submission but did not refer to the TPL further submission on this point. I agree with the suggested wording amendment by Buckland Marine Limited as industrial sites are often large and the development standards of the zone include specific setbacks for the location of buildings from boundaries and a landscape planting requirement for sites adjoining various zones.
- 7.6 I also note that the development standards included in Chapter 20: Industrial zone do not include reference to “*environmentally sensitive areas*” and this is not a term defined within the plan. I consider that retention of the policy as originally proposed in the s42A Report recommendation does not accurately reflect the rules relating to the development standards in terms of building setbacks and landscaping included in the Industrial zone and support amending the policy with the amended wording of “*where appropriate*” .

8. RULE 20.2.3 Noise

- 8.1 The TPL submission and further submission points relating to the noise standards of Rule 20.2.3.1 requested that a noise interface be included within the PDP. The reason for this request was that the TPL site is the only site zoned Industrial and adjoins the Rural zone. This results in the noise limit of the site having to comply with the notional noise limit of the adjoining Rural zone. The TPL site operates 7 days a week 24 hours a day. Given the location of the site, inevitably there are

potential interface conflicts between activities at the existing industrial plant and the existing and potential future sensitive land uses in the adjoining Rural zone that may be incompatible with each other.

8.2 The suggestion of an interface was to recognise that the existing rendering plant is an essential industrial activity associated with the primary industry that operates 24 hours a day and if the site’s activities are to develop and grow, the limitation of the proposed noise level at the adjoining notional boundary will limit that development potential. Currently in the PDP the standards require that an activity in the Industrial zone must meet the relevant standard in the Rural Zone (Rule 22.2.1.1 Noise – General P2).

8.3 The noise level of the Rural zone in the PDP is as follows:

Rule 22.2.1.1.

(a) Noise measured at the notional boundary on any other site in the Rural Zone must not exceed:

- (i) 50dB (LAeq), 7am to 7pm every day;*
- (ii) 45dB (LAeq), 7pm to 10pm every day; and*
- (iii) 40dB (LAeq) and 65dB (LAm_{ax}), 10pm to 7am the following day.*

8.4 The suggested interface noise limit requested the following amendment to Rule 20.2.1.1 Noise -General P2 and P3:

P2	<p>(a) Noise measured within any other site:</p> <p>(i) In an Industrial Zone must not exceed:</p> <p>A. 75dB (L_{Aeq}) 7am to 10pm; and</p> <p>B. 55dB (L_{Aeq}) and 85dB (L_{Amax}) 10pm to 7am the following day.</p> <p>(ii) At the Rural Zone interface, noise levels must not exceed the below noise levels when measured within the notional boundary of property in a rural zone:</p> <p>A. 55dB (L_{Aeq}) 7am to 10pm; and</p> <p>B. 45dB (L_{Aeq}) and 75dB (L_{Amax}) 10pm to 7am the following day.</p>
P3	<p>(a) Noise measured within any <u>site</u> in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone, with the exception of the interface with the Rural Zone.</p>

- 8.5 The suggested interface was requesting a relaxation of 5dB on the adjoining Rural zone for night-time noise limit.
- 8.6 I have reviewed a number of different District Plans to see where a noise interface is used. Two relevant examples include the Invercargill District Plan and the Hastings District Plan.
- 8.7 The Invercargill District Plan has a specific noise standard for sensitive activity in the Rural zone which enables a higher night-time noise level adjacent to an industrial site which is what the intention of the suggested interface rule adjoining TPL’s site was. Set out below is the standard from the Invercargill District Plan:

Noise – R2 Noise Levels from Activities¹

When measured at any point within the notional boundary of any Noise Sensitive Activity² on a site within a zone:

	Day time 0700 - 2200		Nighttime 2200 - 0700	
	<i>LA_{eq}</i>	<i>LA_{max}</i>	<i>LA_{eq}</i>	<i>LA_{max}</i>
<i>Rural</i>	<i>50dB</i>	<i>80dB</i>	<i>45dB</i>	<i>65dB</i>

- 8.8 Similarly, the Hastings District Plan sets a specific noise standard in the Industrial zone for the notional boundary of any noise sensitive activity³ in a Rural zone which enables a higher night-time noise limit as follows:

Rule 25.1.6.F Industrial Zones

The following noise conditions shall apply to all land uses other than those exempted in Rule 25.1.6B within all Industrial Zones except the Whirinaki Industrial Zone:

¹ Part Three Page 44 Noise.

² Means buildings or parts of buildings used for, or able to be used for the following purposes: 1. Residential Activity 2. Visitor Accommodation 3. Residential Care Activity 4. Educational Activity, except training related to Airport and aircraft operations 5. Hospital Activity 6. Healthcare Activity 7. Early Childhood Education and Care Centre 8. Marae Activity 9. Caretaker Accommodation (Invercargill City District Plan 2019).

³ means any use of land and/or buildings which is likely to be susceptible to the effects of noise emitted from nearby land uses in the course of their legitimate operation and functioning; and for the purposes of this plan, includes early childhood centres, educational facilities (but not any trade training or other industry-related educational facility), health care service, places of assembly, residential activities, retirement villages, visitor accommodation, and camping grounds. (Proposed Hastings District Plan Decisions Version with Variations 1-6 Notified Variation 7 and Designations Update).

(a) The following noise limits shall not be exceeded at any point beyond the site boundary:

<u>Control Hours</u>	<u>Noise Level</u>
<i>On any day at all times</i>	<i>70 dB L_{Aeq} (15 min)</i>
<i>On any day at all times</i>	<i>85 dB L_{AFmax}</i>

(b) Provided that, at any point within any Residential Zone or within the notional boundary of any noise sensitive activity in a Rural Zone, the following noise limits shall not be exceeded:

<u>Control Hours</u>	<u>Noise Level</u>
<i>0700 to 1900 hours</i>	<i>55 dB L_{Aeq} (15 min)</i>
<i>1900 to 2200 hours</i>	<i>50 dB L_{Aeq} (15 min)</i>
<i>2200 to 0700 hours the following day</i>	<i>45 dB L_{Aeq} (15 min)</i>
<i>2200 to 0700 hours the following day</i>	<i>75 dB L_{AFmax}</i>

- 8.9 While the two examples are not specifically referred to as interface areas, they provide recognition of the adjoining Industrial zone and have set night-time noise limits at the notional boundary of the adjoining Rural zone of 45dB to reflect this.
- 8.10 The notional boundary is not fixed on a site and can change depending on where an activity locates within the Rural Zone adjacent to TPL’s site. The inclusion of the interface noise area on the Rural zoned sites adjoining TPL’s site was to recognise the night-time noise of the adjoining industrial activity. I consider that either incorporating the suggested interface noise standards or altering the night-time noise standards in line with the examples of Invercargill City District Plan and Hastings District Plan would ensure that the future growth of TPL is not unreasonably restricted due to noise limitations
- 8.11 As this matter relates to noise levels experienced in the Rural Zone adjacent to the TPL site, I consider that it would be appropriate to address this matter as part of the Rural Zone hearing. Marshall Day, TPL’s acoustic engineers were unable to prepare a brief of evidence for the Industrial Zone hearing due to other commitments, but further analysis and discussion on this matter will be provided for at the Rural zone hearings in 2020. This will include identification of the extent of the interface area recommended for the TPL site.

8.12 In summary as I commented above, inevitably there are potential interface conflicts between incompatible activities of the existing industrial plant and the existing and potential future sensitive land uses on the adjoining Rural zone. Providing a specific noise standard that recognises the existing industrial operation of the adjoining site will help to ensure the continued viability of this essential primary industrial activity.

9. Conclusions

9.1 In conclusion, I support the recommendation of incorporating the definition of Industrial Activity and Ancillary Activity from the National Planning Standards recommended in the s42a Hearing 5 report. This definition clearly incorporates the activities of TPL's rendering plant and I recommend that this recommendation is also included in the s42a Hearing 7 recommendations.

9.2 I support the recognition and provision for industrial activities such as Tuakau Proteins Ltd as recognised through Policy 4.6.2, 4.6.3 and 4.6.4.

9.3 In addition I support the submissions and further submissions of TPL, and as outlined in my evidence recommend an amendment to Policy 4.6.7. I also support the inclusion of an interface noise standard that recognises the inevitable interface conflicts between incompatible activities of the industrial rendering plant and the Industrial zone and future sensitive land uses and provides a specific night-time noise standard on the adjoining Rural zone.

Nicola Williams

9 December 2019